IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
WRIT PETITION NO. 146 (MS) OF 2005

Smt. N. Iqbal,
W/o Mohammad Iqbal,
R/o 14, Rajpur Road, Dehradun,
District Dehradun

.....Petitioner.

Versus

1. Civil Judge, (Senior Division), Dehradun.
2. Smt. Pavitra Chaudhary,
   W/o Shri V.K. Chaudhary,
   Resident of 20, Nashvill Road, Dehradun,
   District Dehradun, through her husband &
   Attorney V.K. Chaudhary.
   .....Respondents.

Dated: 26.04.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for setting aside the order dated 29.10.2004 and 20.01.2005 (Annexure Nos. 3, 5 and 8 to the writ petition) passed by the Civil Judge (Senior Division), Dehradun-respondent no.1 in Original Suit No. 747 of 1991 Smt. Pavitra Chaudhary Vs. Smt. N. Iqbal, and also permit the petitioner to examine her brother Mumtaz before the trial Court in Original Suit No. 747 of 1991 Smt. Pavitra Chaudhary Vs. Smt. N. Iqbal.

Briefly stated, a suit was filed by the respondents against the petitioner praying for specific performance to direct the petitioner to execute the sale deed in favour of respondent no. 2

after getting the remaining amount from the respondent no.2. During the proceedings of the case, the petitioner wants to give list of witnesses in the interest of justice.

However, the Court below shall permit the petitioner to examine the witnesses within a period of two weeks, if possible from the date of presentation of the certified copy of the order. However, the suit itself shall be disposed of within a period of four months, if possible. However, any order passed by the authorities shall not come in the way of the petitioner while examining the witnesses.

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

26.04.2006
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